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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 ANTONIO LOPEZ, individually;  
12 JOHANNA LOPEZ, individually; M.R.,  
13 by and through his guardian ad litem,  
14 April Rodriguez, individually and as  
15 successor in interest to Brandon Lopez;  
16 B.L. and J.L., by and through their  
17 guardian ad litem Rachel Perez,  
18 individually and as successor in interest  
19 to Brandon Lopez; S.L., by and through  
20 his guardian ad litem, Rocio Flores,  
21 individually and as successor in interest  
22 to Brandon Lopez,

17 Plaintiffs,

18 vs.

19 CITY OF ANAHEIM; CITY OF  
20 SANTA ANA; DAVID VALENTIN;  
21 JORGE CISNEROS; PAUL  
22 DELGADO; BRETT HEITMAN;  
23 KENNETH WEBER; CAITLIN  
24 PANOV; DOES 1-10,

23 Defendants.

Case No. 8:22-cv-1351-JVS-ADS  
[Hon. James V. Selna, Dist. Judge; Hon.  
Autumn D. Spaeth, M. Judge]

**[PROPOSED] ORDER ON  
DEFENDANTS' EVIDENTIARY  
OBJECTIONS IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OR  
PARTIAL SUMMARY JUDGMENT**

Date: August 12, 2024  
Time: 1:30 p.m.  
Crtrm.: 10C

FPTC Date: September 9, 2024  
Trial Date: September 17, 2024

25 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

26 Defendants CITY OF ANAHEIM, JORGE CISNEROS, PAUL DELGADO,  
27 BRETT HEITMAN, KENNETH WEBER, and CATALIN PANOV's Motion for  
28 Summary Judgment or Partial Summary Judgment came on for hearing before this

Court on August 12, 2024. Defendants timely filed evidentiary objections to Plaintiffs' papers filed in support of their Opposition to Defendants' Motion for Summary Judgment.

The Court, having read and considered Defendants' evidentiary objections to certain evidence filed in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, rules as follows on each of Defendants' objections:

Evidence	Objection	Court's Ruling
1. "An armored vehicle was quickly called to the scene and Brandon's vehicle was surrounded by police vehicles.  Ex A – CAD report at p. 11  Exhibit B – Photographs of Scene from Department of Justice Report and Recommendations (hereinafter 'Ex B – DOJ Scene Photos')"  [Dkt. 130-1, AMF No. 4 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403.  Lacks foundation. F.R.E. 403.  Relevance as to Plaintiffs' Exhibit B. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.").	Sustained ____  Overruled ____
2. "However, this was a mistake as it is undisputed that Brandon was not armed with any weapons and did not have any firearms with his vehicle.  Exhibit C – Anaheim Police Department Report re Evidence Collection (hereinafter 'Ex C – Evidence Report')."	Vague and ambiguous as to "mistake."  Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather	Sustained ____  Overruled ____

Evidence	Objection	Court's Ruling
[Dkt. 130-1, AMF No. 7 & Supporting Evidence]	than with the 20/20 vision of hindsight.”).	
<p>3. “No officer saw Brandon point the alleged firearm at anyone or make any movements that made them believe Brandon intended to harm anyone. Moreover, Brandon was never observed making any aggressive or threatening movements during the incident.</p> <p>Ex A – CAD report, generally.”</p> <p>[Dkt. 130-1, AMF No. 9 &amp; Supporting Evidence.]</p>	<p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>4. “Shortly after Brandon’s vehicle became stuck, Brandon’s mother, Johanna Lopez, as well as several other family members, arrived on scene and congregated approximately one block from Brandon’s car. Ms. Lopez stood just on the other side of the police perimeter, as close as she could legally be to her son, and could see the intersection and at least three police cars and an armored vehicle.</p> <p>Exhibit D – Deposition of Plaintiff Johanna Lopez at 39:1-5, 42:3-13, 44:20-24, 46:22-47:4, 48:1-49:16, 50:22-</p>	<p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p>	<p>Sustained ____</p> <p>Overruled ____</p>

Evidence	Objection	Court's Ruling
<p>6, 55:6-56:5 (hereinafter 'Ex D – Johanna Lopez Depo')"</p> <p>[Dkt. 130-1, AMF No. 10 &amp; Supporting Evidence.]</p>		
<p>5. "Ms. Lopez knew that her son was in the intersection and knew that he was surrounded by officers.</p> <p>Ex D – Johanna Lopez Depo at 39:24-40:18, 44:20-24, 46:22-47:4, 48:1-49:16, 50:22-6, 66:9-67:14."</p> <p>[Dkt. 130-1, AMF No. 11 &amp; Supporting Evidence.]</p>	<p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>6. "Ms. Lopez remained on scene for the duration of the Incident, pleading with the officers to allow her to speak to her son.</p> <p>Ex D – Johanna Lopez Depo. at 43:1-7, 51:25-52:25"</p> <p>[Dkt. 130-1, AMF No. 12 &amp; Supporting Evidence.]</p>	<p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>7. "At this time at least two additional armored vehicles were brought in to further surround the vehicle.</p> <p>Ex B – DOJ Scene Photos"</p> <p>[Dkt. 130-1, AMF No. 14 &amp; Supporting Evidence.]</p>	<p>Relevance as to Plaintiffs' Exhibit B. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather</p>	<p>Sustained ____</p> <p>Overruled ____</p>

1	Evidence	Objection	Court's Ruling
2		than with the 20/20 vision of	
3		hindsight.”).	
4	8. “The Defendant officers	Conclusory unsupported	Sustained ____
5	knew that when they forced	opinion. F.R.E. 701.	
6	Brandon out of the car that his	Lacks foundation. F.R.E. 403.	Overruled ____
7	only potential avenue of	Speculation. F.R.E. 701.	
8	escape was through the police		
9	perimeter.		
10	Ex E – Panov BWC at 22:15-	Relevance. F.R.E. 401-403;	
11	24:20, 27:30-28:00”	<i>Graham v. Connor</i> , 490 U.S.	
12	[Dkt. 130-1, AMF No. 16 &	386, 396 (1989) (“The	
13	Supporting Evidence.]	‘reasonableness’ of a	
14		particular use of force must	
15		be judged from the	
16		perspective of the reasonable	
17		officer on the scene, rather	
18		than with the 20/20 vision of	
19		hindsight.”).	
20	9. “The Defendant officers	Conclusory unsupported	Sustained ____
21	also discussed the terrain of	opinion. F.R.E. 701.	
22	the construction zone and	Lacks foundation. F.R.E. 403.	Overruled ____
23	knew that it would force	Speculation. F.R.E. 701.	
24	Brandon to zigzag to avoid the		
25	obstacles.		
26	Ex E – Panov BWC at 22:15-	Relevance. F.R.E. 401-403;	
27	24:20, 27:30-28:00, 33:50-	<i>Graham v. Connor</i> , 490 U.S.	
28	34:40”	386, 396 (1989) (“The	
	[Dkt. 130-1, AMF No. 17 &	‘reasonableness’ of a	
	Supporting Evidence.]	particular use of force must	
		be judged from the	
		perspective of the reasonable	
		officer on the scene, rather	
		than with the 20/20 vision of	
		hindsight.”).	

Evidence	Objection	Court's Ruling
<p>10. "The Defendants knew that these could be potential problems regardless of whether Brandon was armed, thus the plan was for less lethal to begin firing to subdue Brandon before he reached the perimeter to avoid the use of lethal force.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40"</p> <p>[Dkt. 130-1, AMF No. 18 &amp; Supporting Evidence.]</p>	<p>Conclusory unsupported opinion. F.R.E. 701.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Speculation. F.R.E. 701.</p> <p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.").</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>11. "Law enforcement also planned to deploy the police service dog off lead if he approached the perimeter to ensure the officers could safely take Brandon into custody.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40"</p> <p>[Dkt. 130-1, AMF No. 19 &amp; Supporting Evidence.]</p>	<p>Speculation. F.R.E. 701.</p> <p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.").</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>12. "Lethal force was designated as cover.</p> <p>Ex E – Panov BWC at 22:15-24:20, 27:30-28:00, 33:50-34:40"</p>	<p>Relevance. F.R.E. 401-403; <i>Graham v. Connor</i>, 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather</p>	<p>Sustained ____</p> <p>Overruled ____</p>

Evidence	Objection	Court's Ruling
[Dkt. 130-1, AMF No. 20 & Supporting Evidence.]	than with the 20/20 vision of hindsight.”).	
<p>13. “In addition to lethal cover, the less lethal 40 mm launcher, police service dog, and a ballistic shield were staged with the Defendant Officer, hidden behind one of the armored vehicles.</p> <p>Ex A – CAD Report</p> <p>Ex E – Panov BWC at 24:30-25:15, 1:15:00</p> <p>Ex F – Delgado BWC at 02:30-03:00”</p> <p>[Dkt. 130-1, AMF No. 24 &amp; Supporting Evidence.]</p>	<p>Conclusory unsupported opinion. F.R.E. 701.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Speculation. F.R.E. 701.</p> <p>Relevance. F.R.E. 401-402; <i>Forrester v. City of San Diego</i>, 25 F.3d 804, 807-08 (9th Cir. 1994) (police officers “are not required to use the least intrusive degree of force possible”); <i>Bryan v. MacPherson</i>, 630 F.3d 805, 813 (9th Cir. 2015).</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>14. “There were no exigent circumstances or other legitimate law enforcement objectives that required the removal of Brandon at that time.</p> <p>Ex A – CAD Report, generally</p> <p>Ex E – Panov BWC at 0:00:00-1:18:00</p> <p>Ex F – Delgado BWC at 00:00-55:00</p> <p>Ex G – Weber BWC at 0:00:00-1:40:00”</p>	<p>Conclusory unsupported opinion. F.R.E. 702.</p> <p>Argumentative.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Speculation. F.R.E. 701.</p>	<p>Sustained ____</p> <p>Overruled ____</p>



Evidence	Objection	Court's Ruling
[Dkt. 130-1, AMF No. 27 & Supporting Evidence.]		
<p>15. "In fact, the Defendant Officers had been hiding behind the armored vehicle for almost an hour prior to shots being fired and no assaultive or threatening behavior by Brandon was reported or observed. By forcing Brandon out of the car, the Defendants forced an unnecessary confrontation and escalated the situation.</p> <p>Ex A – CAD Report, generally</p> <p>Ex E – Panov BWC at 0:00:00-1:18:00</p> <p>Ex F – Delgado BWC at 00:00-55:00</p> <p>Ex G – Weber BWC at 0:00:00-1:40:00"</p> <p>[Dkt. 130-1, AMF No. 28 &amp; Supporting Evidence.]</p>	<p>Relevance. F.R.E. 401-403.</p> <p>Conclusory unsupported opinion. F.R.E. 702.</p> <p>Argumentative.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Speculation. F.R.E. 701.</p>	<p>Sustained ____</p> <p>Overruled ____</p>
<p>16. "Moreover, it was clear that Brandon was in crisis as he was seen crying in the vehicle.</p> <p>Ex A – CAD Report at p.21"</p> <p>[Dkt. 130-1, AMF No. 29 &amp; Supporting Evidence.]</p>	<p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Conclusory unsupported opinion. F.R.E. 702.</p> <p>Speculation. F.R.E. 701.</p>	<p>Sustained ____</p> <p>Overruled ____</p>



1	Evidence	Objection	Court's Ruling
2	17. "Brandon exited his	Relevance. F.R.E. 401-403; <i>Graham v. Connor</i> , 490 U.S. 386, 396 (1989) ("The 'reasonableness' of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight."). At the time of the incident, the Anaheim Officer Defendants did not know that Mr. Lopez was not armed, in fact, it had been expressly reported to them that Mr. Lopez <i>was armed</i> .	Sustained ____
3	vehicle holding only a small		Overruled ____
4	bag containing a plastic water		
5	bottle held down at his side.		
6	Ex C – Evidence Report		
7	Ex E – Panov BWC at 1:18:07-18:11		
8	Ex F – Delgado BWC at 54:28-54:35		
9	Ex G – Weber BWC at 1:38:46-1:38:55		
10	Exhibit H – Still Frames from Defendant Panov's Body Worn Camera (hereinafter "Panov BWC Still Frames")		
11	Exhibit I – Still Frames from Defendant Delgado's Body Worn Camera (hereinafter "Delgado BWC Still Frames")		
12	Exhibit J – Still Frames from Defendant Weber's Body Worn Camera (hereinafter "Weber BWC Still Frames")		
13	[Dkt. 130-1, AMF No. 30 & Supporting Evidence.]		
14	18. "As Brandon exited, he began to jog in a line parallel to where the Defendant Officers were standing.	Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i> , 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i> , 2018 U.S. Dist. LEXIS	Sustained ____
15	Ex E – Panov BWC at 1:18:07-18:11.		Overruled ____
16			
17			
18			

Evidence	Objection	Court's Ruling
<p>Ex F – Delgado BWC at 54:28-54:35.</p> <p>Ex G – Weber BWC at 1:38:46- 1:38:55</p> <p>Exhibit H – Still Frames from Defendant Panov's Body Worn Camera (hereinafter "Panov BWC Still Frames")</p> <p>Exhibit I – Still Frames from Defendant Delgado's Body Worn Camera (hereinafter "Delgado BWC Still Frames")</p> <p>Exhibit J – Still Frames from Defendant Weber's Body Worn Camera (hereinafter "Weber BWC Still Frames")"</p> <p>[Dkt. 130-1, AMF No. 31 &amp; Supporting Evidence.]</p>	<p>13744, at *5-6 (N.D. Cal. Aug. 9, 2018).</p> <p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Conclusory unsupported opinion. F.R.E. 702.</p>	
<p>19. "The Defendant Officers were still hidden behind an armored vehicle and there were several bright lights pointing directly at Brandon, obfuscating their location.</p> <p>Ex E – Panov BWC at 1:18:07-18:11.</p> <p>Ex F – Delgado BWC at 54:28-54:35.</p> <p>Ex G – Weber BWC at 1:38:46- 1:38:55</p> <p>Exhibit H – Still Frames from Defendant Panov's Body</p>	<p>Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i>, 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i>, 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018).</p> <p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Conclusory unsupported opinion. F.R.E. 702.</p>	<p>Sustained _____</p> <p>Overruled _____</p>

Evidence	Objection	Court's Ruling
<p>Worn Camera (hereinafter "Panov BWC Still Frames")</p> <p>Exhibit I – Still Frames from Defendant Delgado's Body Worn Camera (hereinafter "Delgado BWC Still Frames")</p> <p>Exhibit J – Still Frames from Defendant Weber's Body Worn Camera (hereinafter "Weber BWC Still Frames")"</p> <p>[Dkt. 130-1, AMF No. 32 &amp; Supporting Evidence.]</p>	<p>Speculation. F.R.E. 701.</p>	
<p>20. "As Brandon moved forward, he was not looking in the direction of Defendant Officers.</p> <p>Ex E – Panov BWC at 1:18:07-18:11.</p> <p>Ex F – Delgado BWC at 54:28-54:35.</p> <p>Ex G – Weber BWC at 1:38:46- 1:38:55</p> <p>Exhibit H – Still Frames from Defendant Panov's Body Worn Camera (hereinafter "Panov BWC Still Frames")</p> <p>Exhibit I – Still Frames from Defendant Delgado's Body Worn Camera (hereinafter "Delgado BWC Still Frames")</p> <p>Exhibit J – Still Frames from Defendant Weber's Body</p>	<p>Invades the province of the finder of fact. <i>See A.B. v. Cty. of San Diego</i>, 2020 U.S. Dist. LEXIS 136760, at *6 (S.D. Cal. July 31, 2020); <i>Zeen v. Cnty. of Sonoma</i>, 2018 U.S. Dist. LEXIS 13744, at *5-6 (N.D. Cal. Aug. 9, 2018).</p> <p>Misstates evidence. <i>See generally</i> F.R.E. 403.</p> <p>Lacks foundation. F.R.E. 403.</p> <p>Conclusory unsupported opinion. F.R.E. 702.</p> <p>Speculation. F.R.E. 701.</p>	<p>Sustained ____</p> <p>Overruled ____</p>

1	Evidence	Objection	Court's Ruling
2	Worn Camera (hereinafter		
3	"Weber BWC Still Frames")"		
4	[Dkt. 130-1, AMF No. 34 &		
5	Supporting Evidence.]		
6	21. "When Brandon did look	Invades the province of the	Sustained ____
7	towards the lights, his hands	finder of fact. <i>See A.B. v.</i>	
8	were down by his side,	<i>Cty. of San Diego</i> , 2020 U.S.	Overruled ____
9	moving only with the natural	Dist. LEXIS 136760, at *6	
10	movement of his body.	(S.D. Cal. July 31, 2020);	
11	Ex E – Panov BWC at	<i>Zeen v. Cnty. of Sonoma</i> ,	
12	1:18:07-18:11.	2018 U.S. Dist. LEXIS	
13	Ex F – Delgado BWC at	13744, at *5-6 (N.D. Cal.	
14	54:28-54:35.	Aug. 9, 2018).	
15	Ex G – Weber BWC at	Misstates evidence. <i>See</i>	
16	1:38:46- 1:38:55	<i>generally</i> F.R.E. 403.	
17	Exhibit H – Still Frames from	Lacks foundation. F.R.E. 403.	
18	Defendant Panov's Body	Conclusory unsupported	
19	Worn Camera (hereinafter	opinion. F.R.E. 702.	
20	"Panov BWC Still Frames")	Speculation. F.R.E. 701.	
21	Exhibit I – Still Frames from		
22	Defendant Delgado's Body		
23	Worn Camera (hereinafter		
24	"Delgado BWC Still Frames")		
25	Exhibit J – Still Frames from		
26	Defendant Weber's Body		
27	Worn Camera (hereinafter		
28	"Weber BWC Still Frames")"		
	[Dkt. 130-1, AMF No. 35 &		
	Supporting Evidence.]		
	22. "As Brandon crossed the	Invades the province of the	Sustained ____
	tracks on the ground, his path	finder of fact. <i>See A.B. v.</i>	
	of travel was blocked by a car	<i>Cty. of San Diego</i> , 2020 U.S.	

1	Evidence	Objection	Court's Ruling
2	and construction equipment,	Dist. LEXIS 136760, at *6	Overruled ____
3	thus he changed direction	(S.D. Cal. July 31, 2020);	
4	slightly to attempt to run past	<i>Zeen v. Cnty. of Sonoma</i> ,	
5	the car and toward the open	2018 U.S. Dist. LEXIS	
6	street.	13744, at *5-6 (N.D. Cal.	
7	Ex E – Panov BWC at	Aug. 9, 2018).	
8	1:18:07-18:11	Misstates evidence. <i>See</i>	
9	Ex F – Delgado BWC at	<i>generally</i> F.R.E. 403.	
10	54:28-54:35.	Lacks foundation. F.R.E. 403.	
11	Ex G – Weber BWC at	Conclusory unsupported	
12	1:38:46- 1:38:55”	opinion. F.R.E. 702.	
13	[Dkt. 130-1, AMF No. 36 &	Speculation. F.R.E. 701.	
14	Supporting Evidence.]		
15	23. “He was not running at	Invades the province of the	Sustained ____
16	the officers, lunging, nor	finder of fact. <i>See A.B. v.</i>	Overruled ____
17	making aggressive movements	<i>Cty. of San Diego</i> , 2020 U.S.	
18	towards anyone. Brandon	Dist. LEXIS 136760, at *6	
19	never raised, swung, or	(S.D. Cal. July 31, 2020);	
20	pointed the bag at anyone.	<i>Zeen v. Cnty. of Sonoma</i> ,	
21	Ex E – Panov BWC at	2018 U.S. Dist. LEXIS	
22	1:18:07-18:11.	13744, at *5-6 (N.D. Cal.	
23	Ex F – Delgado BWC at	Aug. 9, 2018).	
24	54:28-54:35.	Misstates evidence. <i>See</i>	
25	Ex G – Weber BWC at	<i>generally</i> F.R.E. 403.	
26	1:38:46- 1:38:55.”	Lacks foundation. F.R.E. 403.	
27	[Dkt. 130-1, AMF No. 37 &	Conclusory unsupported	
28	Supporting Evidence.]	opinion. F.R.E. 702.	
		Speculation. F.R.E. 701.	
	24. “Despite Brandon not	Relevance. F.R.E. 401-402;	Sustained ____
	presenting an immediate threat	<i>Forrester v. City of San</i>	Overruled ____
	that would justify the use of	<i>Diego</i> , 25 F.3d 804, 807-08	
	deadly force, the defendants	(9th Cir. 1994) (police	

1	Evidence	Objection	Court's Ruling
2	failed to follow their plan to	officers “are not required to	
3	use less lethal force first and	use the least intrusive degree	
4	did not utilize any of the	of force possible”); <i>Bryan v.</i>	
5	options available to them.	<i>MacPherson</i> , 630 F.3d 805,	
6	Ex E – Panov BWC at	813 (9th Cir. 2015).	
7	1:18:07-18:12.	Conclusory unsupported	
8	Ex F – Delgado BWC at	opinion. F.R.E. 702.	
9	54:28-54:35.”	Argumentative.	
10	[Dkt. 130-1, AMF No. 38 &		
11	Supporting Evidence.]		
12	25. “Brandon immediately	Misstates evidence. <i>See</i>	Sustained ____
13	started falling when the first	<i>generally</i> F.R.E. 403.	
14	shot struck him and hit the	Lacks foundation. F.R.E. 403.	Overruled ____
15	ground unresponsive, still, and	Conclusory unsupported	
16	bleeding profusely.	opinion. F.R.E. 702.	
17	Ex E – Panov BWC at		
18	1:18:07-18:14.		
19	Ex F – Delgado BWC at		
20	54:28-54:35.		
21	Ex G – Weber BWC at		
22	1:38:46- 1:38:55.”		
23	[Dkt. 130-1, AMF No. 40 &		
24	Supporting Evidence.]		
25	26. “Brandon, who was	Relevance. F.R.E. 401-403;	Sustained ____
26	unarmed during the entire	<i>Graham v. Connor</i> , 490 U.S.	
27	incident, was shot in the back	386, 396 (1989) (“The	Overruled ____
28	four times, the right side eight	‘reasonableness’ of a	
	times, the chest six times, and	particular use of force must	
	the right arm, hand, and	be judged from the	
	shoulder area twelve times, for	perspective of the reasonable	
	a total of at least 30 gunshot	officer on the scene, rather	
	wounds.	than with the 20/20 vision of	
	Ex C – Evidence Report.	hindsight.”). At the time of	
		the incident, the Anaheim	

Evidence	Objection	Court's Ruling
Exhibit K – Autopsy Report 17-19” [Dkt. 130-1, AMF No. 43 & Supporting Evidence.]	Officer Defendants did not know that Mr. Lopez was not armed, in fact, it had been expressly reported to them that Mr. Lopez <i>was armed</i> .	
27. “Ms. Lopez was still standing approximately one block away when her son was shot. Ms. Lopez heard both the flashbang explosions and the gunshots from where she stood. Ex D – Johanna Lopez Depo at 59:23-62:24” [Dkt. 130-1, AMF No. 44 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403.	Sustained ____ Overruled ____
28. “Ms. Lopez thereafter heard the gunshots from the intersection. Ex D – Johanna Lopez Depo at 61:16-62:8” [Dkt. 130-1, AMF No. 46 & Supporting Evidence.]	Misstates evidence. <i>See generally</i> F.R.E. 403.	Sustained ____ Overruled ____

**IT IS SO ORDERED**

DATED: \_\_\_\_\_, 2024

By: \_\_\_\_\_

Hon. James V. Selna  
U.S. DISTRICT COURT JUDGE